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7                   UNITED STATES DISTRICT COURT  
8                   WESTERN DISTRICT OF WASHINGTON  
9                   AT TACOMA

10               UNITED STATES OF AMERICA,                   }

11                          Plaintiff,                              }

12                          v.                                      }

13               MICHAEL A. JORDAN,                              }

14               THOMAS E. DUNIGAN, and                      }

15               MARKUS V. MOORE,                              }

                        Defendants.                              })

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**PROTECTIVE ORDER**

16               This matter, having come to the Court's attention on the United States's Agreed  
17 Motion for Entry of Discovery Protective Order, and the Court, having considered the  
18 government's motion, lack of objections submitted by the defendants, and the entirety  
19 of the record and being fully advised in this matter, the Court hereby enters the  
20 following DISCOVERY PROTECTIVE ORDER:

21               1.       Permissible Disclosure of Protected Material.

22               The following documents and materials are deemed Protected Material. The  
23 United States will make available copies of the Protected Materials, including those  
24 filed under seal, to defense counsel to comply with the government's discovery  
25 obligations. Possession of copies of the Protected Material is limited to the attorneys of  
26 record, and investigators, paralegals, law clerks, experts and assistants for the attorneys  
27 of record (hereinafter collectively referred to as "members of the defense team"):

28               a.       Grand Jury transcripts (when provided).

- 1           b.     Witness statements.
- 2           c.     FBI-302 or other police reports regarding interviews or proffer  
sessions with potential witnesses.
- 3           d.     Audio recordings and transcripts.
- 4           e.     Search warrant pleadings (in this and related cases).
- 5           f.     Other government pleadings to be filed under seal, e.g., the  
Government's Trial Brief and Notice of Intent to Introduce Other  
Crimes Evidence.

8           The attorneys of record and members of the defense team may share and review  
9     the Protected Material with their respective defendant clients. The attorneys of record  
10    and members of the defense team acknowledge that providing copies of the Protected  
11    Material to the defendants and other persons is prohibited, and agree not to duplicate or  
12    provide copies of the Protected Material to defendants and other persons. The  
13    exception to this prohibition is the dissemination of electronic copies to the Federal  
14    Detention Center at SeaTac, Washington, for use in a controlled environment by in-  
15    custody defendants. The United States Attorney's Office for the Western District of  
16    Washington is prohibited from providing copies of the Protected Material to non-law  
17    enforcement witnesses or potential witnesses. Any violation of these prohibitions  
18    constitutes a violation of the Protective Order. Further, the attorneys of record are  
19    required, prior to disseminating any copies of the Protected Material to members of the  
20    defense team, to provide a copy of this Protective Order to members of the defense  
21    team, and obtain written consent by members of the defense team of their  
22    acknowledgment to be bound by the terms and conditions of this Protective Order. The  
23    written consent need not be disclosed or produced to the United States unless requested  
24    by the Assistant United States Attorney and ordered by the Court.

25           2.     Filing

26           Any Protected Material that is filed with the Court in connection with pre-trial  
27    motions, trial, or other matter before this Court, shall be filed under seal and shall  
28    remain sealed until otherwise ordered by this Court.

### 3. Nontermination

The provisions of this Order shall not terminate at the conclusion of this prosecution.

**4. Violation of Any Terms of this Order**

Any violation of any term or condition of this Order by any defendant, their attorney of record, any member of the defense team, or any attorney for the United States Attorney's Office for the Western District of Washington, may be held in contempt of court, and/or may be subject to monetary or other sanctions as deemed appropriate by this Court.

If any defendant violates any term or condition of this Order, the United States reserves its right to seek a sentencing enhancement for obstruction of justice, or to file any criminal charges relating to the defendant's violation.

The Clerk of the Court is directed to provide a filed copy of this Protective Order to all counsel of record.

DATED this 8<sup>th</sup> day of January, 2007.

Ronald B. Lightner

**RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE**